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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,155	02/04/2004	Alberto Marzona	1719-77	1845

7590

09/07/2006

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412 Main Street
Houston, TX 77002

EXAMINER

MACKEY, JAMES P

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,155

Applicant(s)

MARZONA ET AL.

Examiner

James Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1,2 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of Group II, claims 3-12, in the reply filed on 19 June 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1, 2 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 June 2006.
3. Applicant should update the Title to reflect the elected invention (i.e., apparatus only).
4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, the use of "particularly" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention (see MPEP § 2173.05(d)); line 3, "a supply line upstream from a plate" is unclear and indefinite as to exactly what is intended; line 6, "a guide and positioning surface of the plate" is indefinite as to exactly what is intended, and unclear as to whether the surface is an apparatus element or a surface of the plate being worked on in the claimed apparatus; line 6, "in correspondence to" is indefinite as to exactly what is being claimed, and indefinite as to the relationship between the claimed structural elements; line 8, "a moulding and transferral wheel" is indefinite as to whether this is the same as the "moulding wheel" of lines 6-7 or an additional wheel; lines 8-9, "shaped according to a

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plurality of seats” is indefinite as to whether the seats are a part of the wheel; line 11, “assembly in the form of the plate” is indefinite as to exactly what is intended; line 12, “of the mobile type, respectively” is indefinite as to exactly what structure is respective, and is indefinite as to the scope of “mobile type”; line 13, “the moulding and return wheel” lacks proper antecedent basis in the claim; line 15, “the surface involved in the shaping” lacks proper antecedent basis and is indefinite as to what structure is being referred to and where such a structure is located; line 16, “said axially mobile pressers” lacks proper antecedent basis in the claim and is indefinite as to whether this refers to the “pre-form presser” and “at least one first stabilization and cooling presser”; lines 17-18, “the forming and transferral wheel” lacks proper antecedent basis in the claim; and lines 19-20, “a cooling presser” is indefinite as to how this relates to the “at least one first stabilization and cooling presser” of line 16.

In claim 4, lines 2-3, “the moulding presser element” lacks proper antecedent basis in the claim (it appears that this is the “forming presser” of claim 3 at line 19).

In claim 5, line 2, “the presser elements” lacks proper antecedent basis in the claims (independent claim 3 recites pressers, not “presser elements”).

In claim 7, lines 2-3, “at least one presser element” lacks proper antecedent basis; and line 3, “in correspondence with” is indefinite as to exactly what is intended to be claimed, and “the counter-shaped head” lacks proper antecedent basis.

In claim 8, line 3, “in correspondence with” is indefinite as to exactly what is intended to be claimed.

In claim 9, line 2, “the heating head” lacks proper antecedent basis in the claim; line 3, “the moulding presser” lacks proper antecedent basis (it appears that this is the “forming presser”

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of claim 3 at line 19); line 3, “the electrode” lacks proper antecedent basis; line 5, “the interior part” lacks proper antecedent basis; and lines 7-8, “insulating the electrode of the support body positioned above” is unclear and indefinite as to exactly what is being claimed.

In claim 10, “the electrode”, “the heating head”, “the end of the counter-shaped tooth”, “the heating channel” and “the cooling fluid” each lacks proper antecedent basis in the claim.

In claim 11, lines 2-3, “said moulding presser” lacks proper antecedent basis (it appears that this is the “forming presser” of claim 3 at line 19); line 3, “the end of a column” lacks proper antecedent basis; lines 3-4, “the posterior side of the apparatus” lacks proper antecedent basis and is unclear as to exactly where this side is located; lines 4-5, “the group stabilizer pressers” lacks proper antecedent basis in the claim; line 6, “to logically coincide” is unclear and indefinite as to exactly what is meant by “logically”, and “the remaining intermediate space” lacks proper antecedent basis; and line 7, “the stabilizer presser elements” lacks proper antecedent basis.

In claim 12, line 3, “the support shoulder” and “the stabilizer pressers” each lacks proper antecedent basis in the claim.

6. Claims 3-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art of record does not teach or fairly suggest an apparatus for corrugating a plastic plate, including a guide and positioning surface for guiding and positioning the plate with respect to a moulding wheel, the moulding wheel having a plurality of seats at its periphery, the seats being transversely situated with respect to the advancement direction of the plate; a positioning, advancement and maintenance assembly situated at the periphery of the moulding wheel and movable in synchronization with the moulding wheel and in a position independent of

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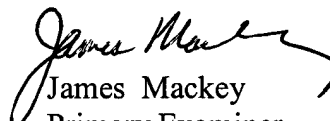
the moulding wheel, the assembly comprising a pre-form presser spaced from at least one first stabilization and cooling presser, said pressers resting perpendicularly on the interior of the corresponding seats of the moulding wheel; and a forming presser interposed between the pre-form presser and the at least one first stabilization and cooling presser, as claimed in claim 3.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James Mackey
Primary Examiner
Art Unit 1722
9/5/06

jpm
September 5, 2006